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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Advanced Television Systems  
And Their Impact Upon The  
Existing Television Broadcast Service

MM Docket No. 87-268

To: The Commission

COMMENTS

Skinner Broadcasting, Inc., licensee of LPTV Station W27AQ, Fort Lauderdale, Florida, by counsel hereby submits its Comments in the above-captioned proceeding and states as follows:

1. The decisions announced by the Commission in its Second Report and Order/Further Notice of Proposed Rulemaking in the captioned Advanced Televisions Systems (ATV) proceeding<sup>1</sup> cover a broad range of the issues presented by the allocation of spectrum for anticipated ATV service. The Comments set forth herein are directed to the Commission's findings and proposals relating to the status and future allocation plans for low power television (LPTV) service. These findings are summarized below.

2. First, the Commission found that the LPTV service was and is a secondary service vis-a-vis any full-power television service, whether currently existing or proposed. Displaced LPTV stations will be allowed to file applications for a different, non-interfering channel in the same community without exposure to competing expressions of interest. Second, the Commission decided

<sup>1</sup>/ Hereinafter referred to as the "Second Report".

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to allow LPTV stations to broadcast as either an ATV service or NTSC service (the standard adopted by the National Television Systems Committee), once implementation of ATV service begins.

3. Finally, the Commission solicited Comments as to whether LPTV should be required to convert to ATV transmission at the time full-power stations are required to do so. In section IV(A) of the Second Report the Commission proposes to require NTSC full-power broadcasters to convert to ATV, and relinquish their NTSC channel, 15 years from the date of the adoption of an ATV system or a final Table of Allotments. LPTV broadcasters would be required to convert by this same date to facilitate ATV receiver penetration by increasing the sources of ATV programming available. According to the Commission, the required conversion would be "consistent" with its treatment of full-power broadcasters.

4. Skinner respectfully asserts that the findings and proposals as to LPTV in the instant proceeding are unfair and inefficient, and do not adequately take account of the significant and unique public interest benefits provided by LPTV broadcasters. The Commission's findings as to the scope of LPTV's secondary status are unfair because these findings significantly expand the burdens associated with "secondary" status, as defined by the Commission. The findings and proposals are inefficient because the Commission does not plan to consider LPTV displacement when making ATV allocation decisions. This arbitrary refusal, based partially

on an Advisory Committee report, does not represent LPTV interests and has determined that there is insufficient spectrum to make such a determination. The public interest benefits conferred by LPTV broadcasters are acknowledged, but not given sufficient weight. These arguments are presented more fully below.

5. When the Commission proposed to require LPTV broadcasters to convert to ATV on the same time frame as imposed upon full-power stations, it significantly expanded its previous definition of "secondary service" and the burdens appertaining to that standing. Before this proceeding, LPTV was considered a valuable service for its own sake; that is, LPTV was regarded as conferring public interest benefits upon society in terms of diversity, minority access to broadcasting, and the universal provision of television service.<sup>2</sup> LPTV was "secondary" to certain land mobile users and full-power television only in the sense that the spectrum available to LPTV licensees would depend upon meeting set interference criteria by the aforementioned "primary" users.

6. Thus, the Commission's proposal to require LPTV to broadcast under an ATV standard by the same deadline as its full-power brethren imposes a further, substantial burden over-and-above that anticipated by the language of the Commission's Report and Order in An Inquiry into the Future of Low Power Television Broadcasting and Television Translators in the National

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<sup>2</sup>/ Second Report, at ¶ 39.

Telecommunications System, 51 RR2d 476, 486, 488-500 (1982) (hereinafter, Low Power Service Order). LPTV is not being asked to "cease interference" to an existing full-power television station or "yield" to stations proposing increases in operating facilities or new full service stations.<sup>3</sup> On the contrary, in this proceeding the Commission proposes to require LPTV stations to convert to ATV at the same time full-service broadcasters must convert and surrender their NTSC license (currently proposed at 15 years from adoption of a ATV standard or Table of Assignments). The asserted public interest benefits supporting this requirement are (1) consistency with full-power station treatment, and (2) that such a requirement ". . . would help spur ATV receiver penetration by increasing the sources of ATV programming available." Second Order, at ¶ 44. This requirement makes LPTV secondary, but not to full-power broadcasters' interference concerns as addressed in the Low Power Service Order. Here, LPTV is made secondary to the consumer acceptance of ATV as a service, by forcing those individuals served by LPTV to purchase ATV receivers, thereby benefiting ATV broadcasting providers and ATV receiver manufacturers.

7. This most recent proposal by the Commission, and the resulting expansion of the concept of "secondary" service as to LPTV seems directly contrary to its earlier definition of that term. Recognizing that parties to the Low Power Service Order

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<sup>3</sup>/ Low Power Service Order, at 486.

proceeding were confused as to this term's definition, the Commission stated that

. . . secondary status means (1) a low power station will not be authorized where there is a possibility of objectionable interference to an existing full service station, under the standards prescribed herein; (2) an authorized low power station that causes interference to an existing full service station is responsible for eliminating the interference, or the low power station must cease operation; (3) an existing low power station that would cause interference in connection with a proposed increase or modification of facilities of an existing full service station or in connection with a proposed new full service station is responsible for eliminating the interference, or the low power station must cease operation.

Here the Commission explicitly defines the bounds of the LPTV service's secondary status. The Commission's proposal to require LPTV to convert to the ATV standard at the same time full power stations are required to do so makes LPTV secondary to full power stations beyond their duty to avoid interference as described above. Instead, LPTV will be forced to encourage consumer acceptance of the new ATV service. This significant expansion of LPTV's secondary role calls into question the Commission's definition of secondary service as stated in this proceeding vis-a-vis the proposed ATV service. Therefore, it is appropriate to address both aspects of this definition and the resulting impact on LPTV in these comments.

8. We first address the Commission's determination that LPTV should be considered secondary to the proposed ATV service. As support for this finding, the Commission cites 47 C.F.R. §

74.703(b), which proscribes LPTV interference to any TV station operating on the same or adjacent channel. The Commission states that it established the LPTV service specifically to supplement full power service<sup>4</sup>, and that the LPTV service has been on notice since 1987 that ATV service might increase the demand for spectrum, and thereby might displace certain LPTV broadcasters.<sup>5</sup>

9. The Commission's arguments here are disingenuous. The Low Power Service Order, as quoted above, cannot be read to make the LPTV service secondary to the advent of an entirely new service. The Commission would like to characterize the ATV service as a new "mode" of television broadcasting, and not as an entirely new service. This argument amounts to mere "labelling" and does not address the central issue, which is that the LPTV service could not have anticipated from the rule or the Low Power Service Order that it would be burdened with holding harmless a mirror image of the existing television service. Each existing full power television broadcaster will be allowed to add an additional 6 megahertz block of spectrum to its current allocation, thus doubling or mirroring the current spectrum usage. LPTV broadcasters did not select their channel or enter the service anticipating such a wholesale disruption. The Commission cannot reasonably equate the interference concerns of the occasional facilities increase or new

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<sup>4</sup>/ See, Second Report, at ¶ 40, FN 112.

<sup>5</sup>/ Id., at FN 113.

NTSC service proposal with the doubling of the current full power spectrum usage.

10. To answer these concerns, the Commission points to its 1987 Low Power and Translator Service (Displacement Order)<sup>6</sup> and its 1991 action "freezing" new low power applications in major urban markets. This argument is, again, disingenuous. Many LPTV broadcasters made their spectrum analysis, selected their channel and filed their applications long before any such notice. Skinner, for example, filed its application in December of 1980. It received its CP in 1988. Obviously, the Commission's notice is of little practical value to LPTV broadcasters who made their channel and business decisions long before the Commission decided to alter the nature of their "secondary" role.

11. The proposal to require LPTV conversion to the ATV standard by the full-power deadline is also an expansion of the "secondary service" burden borne by the LPTV service. As explained in paragraphs 5-7 above, the LPTV service will be required to subordinate its concerns to that of full-power stations beyond the interference concerns specifically described by the Commission in its Low Power Service Order. Complying with the deadline will be a burden due to the limited resources most LPTV stations have at their disposal, especially considering the high cost of new technologies. Further, equipment suppliers will also be aware of

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<sup>6</sup>/2 FCC Rcd 1278 (1987).

the deadline, and therefore will not be inclined to reduce prices until the deadline is reached. The justification of this added burden is the promotion of consumer acceptance of the ATV standard, directly benefiting the full power stations and manufacturers of ATV receivers. These burdens are completely beyond the "secondary" definition as promulgated by the Commission in any extant Order.

12. The Commission's attitude as to LPTV's secondary role allowing no relief from displacement takes on more sinister overtones when combined with its decision not to ". . . factor in LPTV displacement concerns in making ATV assignments. . ."<sup>7</sup> The wholesale displacement of LPTV broadcasters in congested markets, coupled with a refusal to even consider LPTV displacement when making allocation decisions, is patently unreasonable and inefficient and may amount to a taking of property in violation of the Fifth Amendment. These issues will be discussed in turn. First, the Commission has relied upon the Advisory Committee and "staff reports" to determine that insufficient spectrum is available to consider LPTV displacement when making ATV allocation decisions. However, there is reason to believe that the availability of spectrum is understated, at least as far as the Advisory Committee is concerned. The Advisory Committee is made up of interests representing the full power broadcasters (i.e., the National Association of Broadcasters and the Association of Maximum

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<sup>7</sup>/ Low Power Service Order, at ¶ 42.

Service Telecasters) and is likely to be protective of the full-power industry. In addition, apparently both the Commission and Advisory Committee have conducted their studies by identifying channels in each market usable for ATV without regard to LPTV concerns. This method may simplify matters for those conducting the studies, but it also acts to arbitrarily displace LPTV broadcasters. Apparently, no effort has been made to determine the feasibility of considering LPTV displacement when making ATV allocations, and the Commission does not propose to do so. Island Broadcasting Company of New York has conducted a study of the greater New York City market and found that every full service licensee and permittee could be given a second 6 megahertz allocation without displacing any of the eight LPTV/Translators in the market. If this is possible in New York, one of the most congested markets in the country, then it is likely possible elsewhere. This study was submitted by letter to Thomas P. Stanley as a Permissible Ex Parte Presentation on April 29, 1992. Copy attached as Attachment A.

13. Such a cavalier attitude towards what the Commission admits is a beneficial service is patently unreasonable and in violation of the Section 307(b) mandate for fair, efficient, and equitable distribution of broadcast facilities. When combined with the expansion of LPTV's "secondary" role in this proceeding, these

actions may amount to a taking without due process in violation of the 5th Amendment to the U.S. Constitution.

14. While licensees do not have property rights per se in the licenses they hold, the licensees do have an interest in those licenses as defined in scope by the Commission. Here, the Commission has created a "secondary" property right vis-a-vis the interference concerns of current or proposed NTSC full power broadcasters. Absent such interference or violation of Commission rules or policy, the current licensee is entitled to a renewal expectancy. This renewal expectancy, as limited by the Low Power Service Order, amounts to a property right protected by the 5th Amendment requirement of due process. Displacement of an LPTV broadcaster by a new service and without consideration of reasonable alternatives (i.e. the availability of spectrum which would not displace an LPTV service) is a taking of property without due process.

15. Finally, the Commission has accorded insufficient weight to the public interest benefits conferred by LPTV broadcasters. These benefits include enhanced sensitivity to local concerns, providing access to broadcasting for minorities, generally expanding diversity, and providing more universal service. Petitioner's W27AQ, Ft. Lauderdale, Florida, fits into this latter category (among others) by re-broadcasting CBS owned and operated station WCIX, Channel 6, Miami, Florida, to 1.2 million viewers in

Broward County who receive insufficient, "snowy" signal due to WCIX's transmitter location. Thus W27AQ provides quality signal to 40 percent of WCIX's viewing area, who would otherwise receive a poor quality transmission. In addition, W27AQ allows Broward County Cable companies to receive a clear picture for cable re-transmission. Many viewers in Broward County would receive no CBS signal, or a very snowy one, if W27AQ were displaced. Thus universal service would suffer, as would the public interest. See, "Station Unveils Plan for Reception," Miami Herald, April 27, 1989, Attachment B, and "Never Mind," Broadcasting, August 21, 1989, Attachment C.

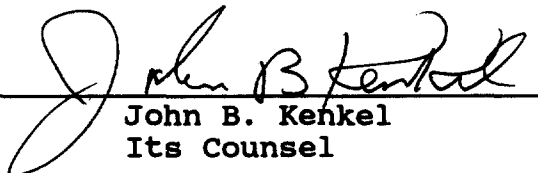
16. In light of these public interest concerns, even if the Commission ignores the legal strictures and with an uneven hand decides that LPTV must be secondary to ATV service, then surely it should realize that LPTV (TV Translators) across the country should not be displaced in a wholesale fashion. Existing on-the-air LPTV broadcasters should be given priority vis-a-vis unused channels, followed by LPTV and translators with construction permits for stations being built. As a last resort, if existing on-the-air LPTV stations are to be displaced, provision for latest displacement or move should be given to those stations with the largest populations served.

WHEREFORE, for the reasons shown herein, your Commenter prays that any regulatory action or further proposal in this proceeding

correct the heretofore suggested premise that ATV allotments and implementing grants for the new service can go forward displacing LPTV service stations, rather that the Commission make provision to avoid displacement of LPTV stations.

Respectfully submitted,

SKINNER BROADCASTING, INC.

By:   
John B. Kenkel  
Its Counsel

Michael G. Jones, legal assistant, participated in the preparation of this pleading.

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July 17, 1992

ATTACHMENT A

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**April 29, 1992**

SPECIAL COUNSEL  
JEROLD L. JACOBS

**BY HAND:**

Thomas P. Stanley, Chief Engineer  
Federal Communications Commission  
Room 7002  
2025 M Street, N.W.  
Washington, D.C. 20554

Re: ATV Allotment/Assignment Issues  
MM Docket No. 87-268  
**PERMISSIBLE EX PARTE PRESENTATION**

**EXECUTIVE SUMMARY**

The FCC is developing a draft ATV Table of Allotments with the assumption that it is not possible to allot ATV channels in major markets without displacing all or most existing LPTV/translator stations. As an experiment, Richard D. Bogner used the most conservative anticipated spacing rules and shows herein that in the most congested TV ADI (the New York market), it may be possible to accommodate all 18 current full power TV licensees and permittees within 50 miles of New York City in a Table of Allotments without displacing any of the 8 existing LPTV/translator stations in the area.

Island Broadcasting Co. ("Island") does not necessarily expect the FCC to use Bogner's results directly in its draft Table of Allotments, or even to conclude that none of the 8 LPTV/translator stations in the New York market will have to be displaced. However, Bogner's study does at least demonstrate that, when designing a viable ATV Table of Allotments, there appears to be no technical basis for totally ignoring, destroying, or displacing an entire class of broadcast stations (the LPTV Service) now performing significant public interest benefits for specialized viewing audiences.

Dear Mr. Stanley:

On April 9, 1992, the Commission adopted a Second Report and Order/Further Notice of Proposed Rulemaking in the above-referenced

Thomas P. Stanley, Chief Engineer  
April 29, 1992  
Page 2

ATV proceeding. Although the text has not yet been released, the Commission's April 9 news release announced that the Commission "will consider all allotment issues and issue a draft Table of Allotments in June 1992," and an article on Page 47 of the April 27, 1992 issue of Broadcasting indicated that further input on these matters from interested parties is "welcome".

It is in this light that we are writing to you on behalf of our client, Island Broadcasting Co. ("Island"), consistent with the permissible ~~ex parte~~ presentation requirements of §1.1206(a)(1) of the Commission's Rules.

#### Background

Since 1982, Island has been providing a diverse array of live creative television programming to ethnic and minority viewing audiences in the New York City metropolitan area and Long Island via what are now three low power television ("LPTV") stations -- W38AM, Long Island City, New York; W44AI, Plainview, Hicksville, and Mineola, New York; and W84AY, Brownsville, New York. In addition, Island's Technical Director and partner, Richard D. Bogner, who is well-known as a master designer and former manufacturer of broadcast antennas (the "Bogner" in Bogner Broadcast Equipment Corp.), has been a student of ATV and LPTV technical issues for many years and has formally and informally advised the Commission about broadcast engineering matters on a number of occasions.

#### Purpose of This Letter

Island's formal Comments and Reply Comments in MM Docket No. 87-268, copies of which are attached, did not deal with ATV allotment/assignment issues, except in general terms -- et al., proposing two non-technical criteria to be employed in designing a Table of Allotments and assigning allotted channels to ATV applicants. In contrast, the purpose of this letter is to provide some technical input at this time, namely the results of a special study which Mr. Bogner has done concerning potential ATV assignments in the New York, New York television market (ADI No. 1).

Mr. Bogner has based his special study on the combined worst-case assumptions of 100-mile minimum ATV and NTSC spacings and 55-

Thomas P. Stanley, Chief Engineer  
April 29, 1992  
Page 3

mile minimum spacings or co-location of adjacent channels.<sup>1</sup> Applying these assumptions to the New York market, Mr. Bogner concludes, as described below, that, contrary to some apprehensions, it may be entirely feasible to assign ATV channels to all of the 18 full power television station licensees and permittees located within 50 miles of the World Trade Center or the Empire State Building ("ESB") without displacing any of the eight authorized LPTV or translator stations in the same area.<sup>2</sup>

Needless to say, this empirical conclusion bodes very well for all of the other less congested TV markets in the United States. Most importantly, Mr. Bogner's study indicates that it is possible to design an ATV Table of Allotments which satisfies the Commission's desire to foster the transition of all full power NTSC stations to ATV channels without forcing very many LPTV stations off the air or onto displacement channels.

The Bogner Study -- Illustrative ATV Allotments  
In the New York TV Market

The following Table, based on 100-mile minimum ATV and NTSC spacings, 55-mile minimum spacings or co-location of adjacent channels, and separations calculations by Mr. Bogner, demonstrates that the 18 TV licensees and permittees in the New York market may be assigned ATV channels without using any of the eight licensed LPTV or translator station channels in the New York market:

<u>ATV Channel</u>	<u>Availabilities for NTSC Channels</u>
12	Co-locate with Chan. 11 and 13
19	Use for Chan. 58, New Brunswick, NJ
23	Use for Chan. 66, West Milford, NJ
26	Co-locate with Chan. 25, 27, 28

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<sup>1</sup> The study assumes that co-location applies to ATV and NTSC channels, not just to co-location of adjacent ATV channels.

<sup>2</sup> The 18 full power stations occupy Channels 2, 4, 5, 7, 9, 11, 13, 21, 25, 31, 41, 47, 50, 52, 58, 63, 66, and 68; the 8 licensed LPTV or translator stations occupy Channels 17, 18, 44, 53, 54, 57, 60, and 64.

Thomas P. Stanley, Chief Engineer  
April 29, 1992  
Page 4

27	Co-locate with Chan. 25, 26, 28
28	Co-locate with Chan. 25, 26, 27
32	Co-locate with Chan. 31, 33, 34
33	Co-locate with Chan. 31, 32, 34
34	Co-locate with Chan. 31, 32, 33
36	Use for Chan. 50, Little Falls, NJ
40	Co-locate with Chan. 41 on ESB
42	Co-locate with Chan. 41 on ESB
43 (or 55) <sup>3</sup>	Use for Chan. 52, Trenton, NJ
45	Co-locate with Chan. 46, 47
46	Co-locate with Chan. 45, 47
56	Available
59 <sup>4</sup>	Use for Chan. 63, Newton, NJ
69	Use for Chan. 21, Garden City, NY

In presenting the above example of one possible Table of Allotments, Island's essential purpose is to demonstrate that, despite claims to the contrary, there appears to be no technical basis or grounds for totally displacing LPTV stations from the broadcast spectrum, even in the most crowded television ADI (the New York market). Thus, although Island hopes that the Commission will give thought to incorporating at least some of Mr. Bogner's

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<sup>3</sup> These proposed ATV channels are separated from adjacent channels by 30 miles, rather than 55 miles, but Mr. Bogner believes that this difference will have a de minimis interference effect here.

<sup>4</sup> This proposed channel involves an NTSC-ATV separation of 99.2 miles, instead of 100 miles, but Mr. Bogner believes that this difference will have a de minimis interference effect here, especially since Channel 63 at Newton, NJ has only a construction permit and, much more important, Channel 59 at New Haven, CT has had only construction permit status since 1953!

Thomas P. Stanley, Chief Engineer  
April 29, 1992  
Page 5

results into the Commission's forthcoming draft Table of Allotments, Island's main goal is to alert and sensitize the Commission -- through Mr. Bogner's New York market case study -- that the continuation of the Low Power Television Service, in general, and of existing licensed major market LPTV stations, in particular, is not incompatible with designing a viable ATV Table of Allotments.

### Conclusion

As Island has demonstrated above, it is possible to allot ATV channels in major television markets without displacing all or most existing LPTV/translator stations in those markets. Using the most conservative anticipated spacing rules and the most congested television market, Mr. Bogner's special study shows that, when designing a viable ATV Table of Allotments, there appears to be no technical basis for totally ignoring, destroying, or displacing all stations in the Low Power Television Service in that market.

Mr. Bogner stands ready to amplify on this letter in order to assist the Commission in designing an ATV Table of Allotments which fully meets the requirements of full power NTSC television stations while minimizing the adverse impact on existing LPTV stations.

Please direct any inquiries or communications concerning this matter to the undersigned.

Very truly yours,

Jerold L. Jacobs

cc: Bruce A. Franca, Deputy Chief Eng.  
Robert Eckart  
Robert J. Unger  
Roy J. Stewart, Chief  
William H. Johnson, Deputy Chief  
William Massinger, Ass't Chief (Eng.)  
Keith A. Larsen, Chief  
Ms. Regina Harrison  
Gordon Godfrey (all ROC - BY HAND)

THURSDAY, APRIL 27, 1989

6 &amp; 27

# The Miami Herald

## Station unveils plan for reception

By JUAN CARLOS COTO  
Herald Entertainment Writer

Miami-based television station WCIX-Channel 6, deprived of viewers in Broward and Dade by its spotty signal, revealed the extent of its difficulties Wednesday by disclosing a strategy to make sure programming is seen — and seen well — in both counties.

The CBS-owned station will:

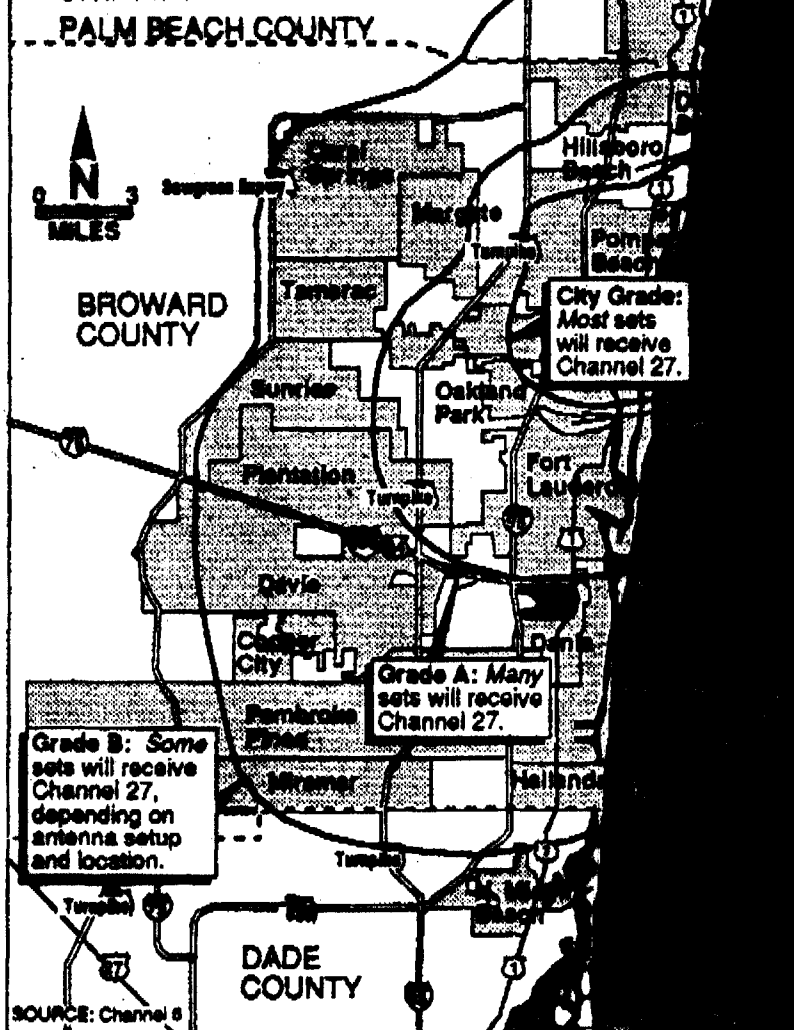
- Rebroadcast the Channel 6 signal over central and north Broward via UHF Channel 27.
- Market a special antenna with Sears department stores in both counties.
- Spend \$5 million on a promotional campaign.
- Answer viewer questions on a toll-free hot line.
- Assign a full-time liaison to iron out signal problems with cable companies and viewers.

"This should substantially solve our problems in north and central Broward," said Channel 6 vice president and general manager Allen

Turn to STATION / 4BR

### REACHING BROWARD VIEWERS

According to Channel 6, UHF-Channel 27, which rebroadcasts its programming, strongly penetrates most of central and south Broward and may reach as far west as Coral Springs and as far north as Boca Raton.



PAM SWISCHER/Miami Herald Staff

# Station aims for clearer signal

STATION / from 1BR

Shaklan at a Wednesday news conference. He conceded that North Miami Beach is still a spotty area for station reception.

Channel 27, a 1,000-watt station based in Pompano Beach, began transmitting Channel 6 Tuesday. After the signal is redirected by antenna over Broward, the station has an effective power of 70,300 watts. Shaklan said Channel 27 will strongly penetrate most of central and South Broward and in some cases reach as far west as Coral Springs and as far north as Boca Raton.

The CBS-Channel 6 initiative ended plans for WFUN-Channel 27, an independent entertainment station aimed at a Broward audience and scheduled for an April debut. Channel 27 owner Rodger Skinner received a construction permit to build his station last December, but the South Florida affiliation shakeup of Jan. 1 forced him to "reassess our position in the market."

Skinner said WSVN-Channel 7, the new independent created by the switch, had too much financial muscle and would gobble up all his programming.

"There was nothing I could do," he said. So when CBS approached him after the switch, Skinner agreed to an extended lease contract to retransmit Channel 6. He would not reveal the length or cost of the deal.

Shaklan also announced plans for a second low-power Broward transmitter on Channel 55, slated for the fall. It will reinforce Channel 27 in central and West Broward and north to Deerfield Beach. WCIX applied for the Channel 55 FCC license in February and expects approval in the coming months.

WCIX's deal with five Sears department stores in Dade and Broward may help viewers in both counties improve reception on the Channel 6 frequency. Starting May

## IMPROVING YOUR ANTENNA

Sears stores are selling a special antenna for improving reception on WCIX-Channel 6. The price is \$64.99, plus \$70 installation. But the total cost is reduced to \$101 with a 20 percent Sears discount and \$5 off for mentioning Channel 6 to the salesperson. Prices apply only to viewers who have an existing outdoor antenna pole.

For purchase and installation, call Sears service centers at 685-8412 in Dade and 537-4013 in Broward.

Viewers installing the antenna themselves can buy one at these Sears stores:

- South Broward: 2950 N. 28th Terr., Hollywood; 925-4696.
- Central and North Broward: 1201 NE 38th St., Fort Lauderdale; 537-4036.



1, the retail chain will sell and install a special rooftop antenna for \$101.

Additionally, a trouble-shooting hotline (800-666-2766) is in operation to answer questions from viewers or apartment complex managers.

"We don't expect a ratings change tomorrow," Shaklan said. In the four months since the affiliation switch, CBS programming on Channel 6 has sometimes fallen to one-third of the national network ratings.

The Arbitron ratings service is in the process of adjusting meters to account for the new Channel 27 audience, Shaklan noted, but "we're going to have to convince people to watch Channel 27."

To do that, the station plans a \$5 million promotional effort involving print advertising, billboards and a three-stage direct-mail awareness campaign to more than 270,000 homes in Broward.

In Broward County, reaction among potential viewers was predictable.

"I was sitting in my kitchen and I got it," said Darlene Jerman of Pem-

broke Lakes, who noticed the change without knowing it was coming. "I thought I was going insane."

In the Jerman household, where only one television set has cable, fights would break out over viewing preferences. It often left Darlene Jerman in the kitchen on Sunday night, watching a fuzzy version of her favorite program, *60 Minutes*.

"I'll get my show now," she said. "Instead of snow."

The move brought compliments from business observers.

"This is a shrewd engineering move on CBS's part," said Joseph Ceros-Livingston, director of the Instructional Television Center for the Broward school system.

Some of Channel 6's competitors said it was simply a matter of survival for the CBS affiliate.

"If I were in their shoes, I'd be trying every possible thing to try to improve the signal," said Dick Lobo, president and general manager of Channel 4.

Herald writer Christopher Schwarz contributed to this report.

# Closed Circuit 2 Closed Circuit 2 Closed Circuit 2 Closed Circuit 2 Closed Circuit 2

renewing it. Going into its third season, over 75% of 201 stations picking up show have scheduled it for early fringe (3 p.m.-5 p.m.), compared to 50% of 143 stations last season. Show will be seen in 99% of U.S. this fall. Number of changes are in store for program as it goes into year three, including new opening graphics and set. In addition, program will take advantage of New York base and do periodic programs from remote locations, such as Statue of Liberty, and possibly even from atop Empire State Building. New season opener will be set at city's South Street Seaport.

## Ball control



NBA was last week researching PanAmSat, commercial competitor with Intelsat in providing transatlantic satellite capacity. League broadcasting executives could not be reached for comment, but research would be in line with comments of NBA director of broadcasting Ed Desser, who told BROADCASTING last spring that NBA intends to improve its distribution of games outside U.S., moving from tape delay to live transmission of games overseas. Taking cue from some professional sports franchises, such as Oakland Athletics Major League Baseball team, NBA could even bring production and uplinking under its own roof.

## ABC habla español

Top networks for Hispanic viewers, according to Strategy Research Corp.'s April-May survey, are Univision, Telemundo—and ABC. Top-rated English-language shows for women 18-34 are Friday night's *Just the Ten of Us*, ranked 18th with a 6 rating, and lead-in *Mr. Belvedere*, ranked 20th. Among men 18-34, top-rated show is same night's *20/20* (followed by Tuesday's *Who's the Boss?* and *Wonder Years*). ABC sitcoms have traditionally done well among Hispanics.

## The Iger touch in program management

Bob Iger's new team at ABC Entertainment is finally in place, with addition of two new faces. Chad Hoffman, who exited company following Iger's appointment, is replaced by Gary Levine, vice president, dramatic program development. Kim Fleary, vice president, comedy program development, assumes post held by Stu Bloomberg. Both Levine and Fleary, directors in their respective divisions under Brandon Stoddard, previous program chief, report to Bloomberg, who was promoted by Iger to executive vice president, prime time, responsible for comedy and dramatic program development.

□ Bloomberg shares executive vice president, prime time title with Ted Harbert, who oversees current programming and scheduling. Both Bloomberg and Harbert report directly to Iger, as does Allan Sabinson, vice president, minis and made-for-TV movies. John Hamlin, vice president, special programming, and John Barber, vice president, current programming, both report to Harbert.

□ Hoffman, former vice president, dramatic program development, is major executive out after Iger's appointment. Hoffman, whose split with ABC has been described as amicable, recently formed his own production company.

observers say, and ABC has strong affiliates in markets with largest Spanish-speaking populations.

## Inside track

Word has it that ABC will announce Marvin F. Goldsmith as new senior VP, general sales manager, for network sales. Goldsmith, who will report to executive VP of sales H. Weller (Jake) Keever, replaces recently deceased John Tiedemann (BROADCASTING Aug. 7).

## HOLLYWOOD

### Comedy comeback

Look for television veteran Carol Burnett to return to airwaves in mid-season comedy from Disney. Sources at NBC suggest project, with 13-episode initial commitment, is sure bet to make schedule



by first quarter 1990. Disney is keeping many details of format under wraps (for fear of copycats), but one source describes show as "semi-anthological," with Burnett playing different characters each week, in two-act stories, and with each episode having one or more guest stars.

## MIAMI

### Never mind

Missing in brouhaha over CBS President Howard Stringer's critical reflections on WCIX-TV ("Top of the Week," July 31) was irony that remarks came just several days before measurable improvement in station's competitive position was revealed in July ratings. Preliminary results based on rolling overnight averages indicate CBS-owned station maintained sign-on-to-sign-off ratings and share during first seven months of new ownership while both other affiliates, including NBC-owned WTVT-TV, lost audience, in part due to lower summertime homes using television. Factor helping WCIX was increased signal reception north of Miami, boosted in part by late April sign-on of channel 27 translator. Another factor may have been successful July 10 switch of Dan Rather from three-way

network news race at 6:30 p.m. to 7 p.m., leading to 75% improvement in show's share of audience, according to Arbitron. Nielsen numbers indicate same story, although less dramatically. Also showing improved performance was early newscast at 6 p.m., which station executives hope will do even better once 5 p.m. lead-in, currently *Night Court*, which gets share below 10, is replaced by *Geraldo*, which does roughly 30 share in morning on competing Post-Newsweek WPLG-TV.

## DENVER

### Bargain basement

Next month, Tele-Communications Inc. is looking to announce experimental lifeline tier (low-cost tier of minimum level of cable service), which it would make available to subscribers next year. TCI is contemplating tier of broadcast stations, access channels and perhaps C-SPAN for price in \$10 range. Company would not market tier heavily, but let it be known that it was available. One problem company has is concerns about securing signal, since its systems are not addressable.

## CHICAGO

### Voices of experience

Andrew Barrett will not be arriving in Washington to take his place on FCC until mid-September, but he is prepping for job by talking with some former commissioners. He had lunch in Chicago last Tuesday (Aug. 15) with Newton Minow, who served two years as chairman (1961-63), and he plans to do same with former Chairman Dean Burch (1969-74) and Commissioner Benjamin Hooks (1972-77). Minow and Burch are now attorneys in private practice. Hooks is national executive secretary of NAACP. "I want to know what their perceptions of the commission were when they were there and, having been away a long time, what their perceptions...are now," Barrett said.